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could not have been heard at the preceding term; and section 3024, p. 1612, provides that, where the reasons stated in a petition for *quo warranto* are legally sufficient, the writ shall be returnable to the next term of the court. *Held*, that a writ of *quo warranto* may not be returned to a special term, the phrase "next term" in section 3024 referring to a regular term, and the matter not being within section 3062.

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#### KLOSS v. COMMONWEALTH.

January 26, 1905.

[49 S. E. 655.]

#### PEDDLERS—TAKING ORDERS BY SAMPLES—CONSTRUCTION OF STATUTE.

1. A traveling salesman, who carries samples and takes orders for brooms from merchants in lots of a dozen or more, and afterwards delivers the brooms, which are shipped to him from the factory, is not a peddler requiring a license, within Act April 16, 1903, sec. 50, as amended May 13, 1903 (Va. Code 1904, pp. 2223-2224], defining as such all persons who carry goods from place to place for sale, and all persons who offer goods for sale without having a regular place of business.
2. A revenue law requiring peddlers to obtain a license, being penal in so far as it imposes a penalty for a violation of its provisions, must be strictly construed.

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#### GLOBE FURNITURE CO. v. TRUSTEES OF JERUSALEM BAPTIST CHURCH.

February 2, 1905.

[49 S. E. 657.]

#### RELIGIOUS SOCIETIES—CONTRACTS BY TRUSTEES—JUDGMENT—LIEN.

Va. Code 1904, p. 773, sec. 1398, validates conveyances for the use of any religious congregation as a place of worship, and provides that the land shall be held for no other purpose. Section 1399, p. 774, provides for the appointment of trustees, on application of the congregation, to effect the purpose of a conveyance, and that the legal title shall vest in the trustees. Section 1405, p. 776, provides that a congregation may sell or incumber church property, the proceeds to be disposed of as the congregation may wish: and section 1406 provides that the trustees may effect an incumbrance on or a sale of such real estate, on the wish of the congregation, the court to make an order for proper reinvestment of the proceeds; and by section 1402, p. 775, the trustees may sue in their own name to recover any land, and be sued in relation to the same. *Held*, that the trustees have no power of their own volition to alien or incumber the real estate, and a judgment against the trustees of a church for the price of pews purchased by them for the church was binding on the trustees individually, but not on the real estate, or the proceeds of a sale thereof.